

D/L. 6.
May 16, 2023.
MNS.

WPA No. 9801 of 2023

M/s Quantam Marketing Private Limited
and others

Vs.

The Officer-in-Charge, Dankuni Customer
Care Centre, West Bengal State
Electricity Distribution Company Limited
and another

Ms. Pallavi Gandhi

... for the petitioners.

Mr. Debanjan Mukherji

...for the WBSEDCL.

Learned counsel for the petitioners restricts her submissions to the allegation that the West Bengal State Electricity Distribution Company Limited (WBSEDCL) has issued quotations asking for charges to be paid by the petitioners for increasing the height of certain cables and equipment of the WBSEDCL, although maintenance of the same and safety standards fall within the domain of the Distribution Licensee as per the extant Law and Regulations. It is contended that Rule 77 of the Indian Electricity Rules, 1956 (hereinafter referred to as “the 1956 Rules”) clearly provides for the same.

Learned counsel confines her prayer to a challenge to the quotation dated September 26, 2022 (Annexure P14 at page 34 of the writ petition) in support of her submissions.

Learned counsel appearing for the WBSEDCL files a report and, relying on the same, contends that the petitioners and others have applied not only for heightening but also for shifting of high tension and low tension overhead lines. Hence, for the purpose of shifting, the WBSEDCL is entitled to the charges, which are payable by the applicants. The report filed by the WBSEDCL is kept on record.

Since the petitioners restrict their prayer only to increasing the height of the concerned LT and HT overhead connections and the connected cables and related equipment, there arises no question of directing any shifting of the said equipment within the scope of the present writ petition.

It is well-settled that under the provisions of the Electricity Act, 2003 (in short '2003 Act'), it is the incumbent duty of the Distribution Licensee to look after the safety and security with regard to possible hazards from the equipment laid down

by the Distribution Licensee. That apart, Rule 77 of the 1956 Rules also provides in similar lines.

Hence, within the limited scope of the present writ petition, which confines itself to the claim of charges by the Distribution Licensee from the petitioners even for the heightening of the own equipment of the Distribution Licensee, the petitioners are justified in arguing that the costs for the same are required to be borne by the Distribution Licensee itself.

Hence, WPA No. 9801 of 2023 is allowed, thereby setting aside the quotation dated September 26, 2022 (Annexure P14 at page 34 of the writ petition) and directing the WBSIEDCL to immediately undertake the necessary work for the purpose of increasing the height of the concerned cables and conducting wires as well as other connected equipment across the stretch of the road from Pardankuni More on State Highway- 13 up to the petitioners' warehouse compound in compliance with an enforcement of Rule 77 of the 1956 Rules, in terms of prayer (a) of the writ petition.

The WBSIEDCL shall immediately commence such work and complete the same at the earliest, positively within June 15, 2023.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)